

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 08-142 (DSD/SRN)

Plaintiff,

v.

O R D E R

David Eugene Osborne (05),

Defendant.

Nancy Brasel and Anders Folk, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for Plaintiff United States of America

Gary R. Bryant Wolf, Bryant Wolf Law Office, 247 Third Avenue South, Minneapolis, Minnesota 55415, for Defendant David Eugene Osborne

The above-entitled matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections were filed to that Report and Recommendation in the time period permitted. Accordingly, based on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant David Eugene Osborne's Motion to Suppress Evidence (Doc. No. 545) is **DENIED**; and
2. Defendant David Eugene Osborne's Motion to Dismiss Indictment for Failure to State an Offense (Doc. No. 546) is **DENIED**.

Dated: November 25, 2008

s/David S. Doty _____
DAVID S. DOTY
United States District Judge